

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
REPLY BRIEF**

76-6032

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

HERBERT LEO PALM,
PLAINTIFF - APPELLANT,

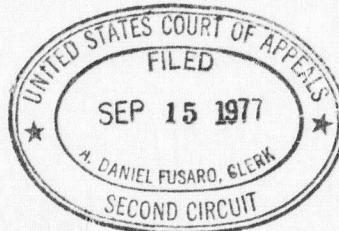
V.

THE VETERANS ADMINISTRATION OF
THE UNITED STATES OF AMERICA, AND
THE UNITED STATES OF AMERICA,
DEFENDANTS - APPELLEES.

APPELLANT'S
REPLY BRIEF
WITH APPENDIX
AND EXHIBITS

CIVIL APPEAL

DOCKET No.
PRO SE
76-6032



Reply
Brief

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

HERBERT LEO PALM,

Plaintiff - Appellant,

v.

THE VETERANS ADMINISTRATION OF
THE UNITED STATES OF AMERICA, and
THE UNITED STATES OF AMERICA,

Defendants - Appellees.

APPELLANT'S REPLY
BRIEF

CIVIL APPEAL

Docket No. Pro Se
76-6032

I. TABLE OF CONTENTS OF APPELLANT'S REPLY BRIEF

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II. TABLE OF CASES, STATUTES AND OTHER AUTHORITIES CITED:

CASES:

Scarborough v. Atlantic Coast Line Railroad Co. 8
178 F 2d 253 (4th Cir. 1949), 15 A.L.R. 2d 491,
certiorari denied 339 U.S. 919, 70 S. Ct. 621,
94 L. Ed.1343.

STATUTES:

28 U.S.C. § 2401 (b) 4

RULES:

Fed. Rules of Civil Procedure 60 (b) 5, 8
Fed. Rules of Civil Procedure 60 (b) (2) 2

III. STATEMENT OF ISSUES PRESENTED
FOR REVIEW

Issues 1. thru 7. presented in Appellant's Brief dated July 20, 1977 remain in force.

8. This is a rightful appeal from the underlying District Court Order dated October 6, 1975.

IV. STATEMENT OF THE CASE

A. Prior Proceedings

On Page -6- of Appellant's Brief it was stated:" The Appellant filed a Notice of Appeal and thereafter moved to dismiss the Appeal without prejudice to renewal, so as to enable an application before the District Court in accord with Rule 60 (b) (2) of the Federal Rules of Civil Procedure. On the 22nd of September 1976 the Motion was granted (Docket No. 11)."

B. Statement of Facts relevant to
the Issues presented for Review

In respect to IV. B. 2. of Appellant's Brief there is annexed hereto as Exhibits Pages 65 thru 68 a list of "Hospitals and Physicians who treated the insured (Appellant) for total disability disease." This list was filed with the Appellees' Veterans Administration Center, P. O. Box 8079, Philadelphia, Pa. 19101, as part of Appellant's Total Disability insurance claim on December 22, 1974. This list shows Appellant's continuous treatment. Appendix Page -18- of Appellant's Brief shows that this Total Disability insurance claim was approved by the Veterans Administration.

In respect to IV. B. 3., 4., 5., 6. & 7. of Appellant's Brief there are annexed hereto:

a) As Exhibits Pages 69 thru 72 a handwritten letter dated August 15, 1974 and envelope addressed by General Practitioner Dr. H. H. Margulies, M.D., London, England, to The Medical Centre, Webb House, 210 Pentonville Road, Kings Cross, London, England, with U.S. Consul John C. Mallon's true copy certificate dated September 2, 1977, plus a copy of typewritten transcript. This letter contains a veiled request to the Medical Centre physician who was to get the requested laboratory tests done and to also physically examine the Appellant, to make a false report as basis for the Social Security Administration's Medical Report, demanded by that U.S. government agency, to the effect that the laboratory test results and his physical examination findings on the Appellant were completely normal when in fact the Appellant was very ill and the true laboratory test results would have been at least as bad as those contained in the reports dated September 18, 1974 and September 24, 1974 of the Diagnostisches Zentrum Berlin which were attached to the Medical Report which Dr. med. Gernot Hilkenbach, Berlin, issued on September 24, 1974 for the Social Security Administration, showing that the Appellant had an intestinal candida infection, a toxic liver and toxic kidneys. (Kindly see Appellant's Brief Appendix Pages 21 thru 24).

Dr. Margulies' letter was fraud, among other things, and shows that even in August 1974 the Appellant was by unlawful means on the part of organized medicine prevented from making proper discovery and from properly substantiating his disability insurance claim with the United States Social Security Administration which approved the claim after the proper Medical Report and other evidence were furnished in September 1974. (Kindly see Page 60 of Appellant's Brief).

The Appellant had never even told Dr. H. H. Margulies that he was medically malpracticed on in the United States, but he was given this information and unlawful instructions by the functionaries of organized medicine.

b) On April 20, 1976, the Appellant filed with the New York State Department of Education, Professional Conduct Division, New York, N.Y., 17 Complaints against approximately 30 New York State licensed physicians. Thereafter, these Complaints were transferred to the New York State Department of Health, Office of Professional Medical Conduct, Albany, N.Y.

As evidence of organized medicine's criminal persecution of the Appellant after his return to New York City on January 3, 1968 from his illegal imprisonment in Sainte Anne Mental Hospital in Paris, France, for almost 7 months during which the normal 2 years statute of limitations pursuant to 28 U.S.C. § 2401 (b) expired, there is annexed hereto:

(1) As Exhibits Pages 73 thru 76 Appellant's Complaint dated April 20, 1976 against the then Director of the Psychiatric Out-Patient Clinic, The Presbyterian Hospital in the City of New York, ROGER ALAN MACKINNON, M.D., and against General Practitioner JACQUES J. BARDAVID, M.D., both of New York, N.Y. From this Complaint can be seen the duress, undue influence, fraud, threats to cause the Appellant great bodily harm pronounced by these physicians, and the actual carrying out of these threats by inflicting great bodily harm upon the Appellant via organized medicine and the New York crime syndicate.

(2) As Exhibits Pages 77 thru 81 Appellant's Complaint against LEO G. HESS, M.D., and ALEXANDER MULLER, M.D., both of New York, N.Y., showing duress, undue influence, fraud, actual infliction of great bodily harm, for the purpose of murdering the Appellant, carried out by themselves in connection with organized medicine and the New York crime syndicate. This was organized medicine's reaction to Appellant's request to LEO G. HESS, M.D., on August 19, 1970 for a Medical Statement from which medical malpractice could not even be readily seen, which the Appellant needed in support of a disability pension claim filed by Appellant's German attorneys under the German Nazi victims indemnification laws for which proof of medical malpractice was not required.

(3) As Exhibits Page 82 a letter to Appellant from the New York State Department of Health, Board for Professional Medical Conduct, Albany, N.Y., dated November 19, 1976. This letter shows that no proper investigation of Appellant's 17 Complaints against approx. 30 New York State licensed physicians was carried out, that Appellant was not questioned and was not asked to submit his evidence, and that a whitewash and cover-up took place.

(4) As Exhibits Pages 83 & 84 Appellant's letter to the New York State Commissioner of Health Robert P. Whalen, M.D., dated December 6, 1976 pointing out the corruption of his Board for Professional Medical Conduct. No reply was received by the Appellant, an illegitimate act in itself, and this proves the cover-up, whitewash and fraud of the New York State Department of Health that persists even now with respect to the Appellant's case.

8. The timely Notice of Appeal dated December 1, 1975 from the underlying Order dated October 6, 1975 is contained in Appendix Pages 9 thru 14 of Appellant's Brief.

Registration Receipt of 6 Frankfurt am Main 1 post office, registration No. R 305, dated December 1, 1975, showing the U.S. District Court, Southern District of New York as addressee and Postal Return Receipt for this Notice of Appeal signed by Miss Kathleen Thompson for the U.S. District Court, Southern District of New York on December 3, 1975 are annexed hereto as Exhibits Page 85.

Appellant's Motion for Withdrawal of Appeal without Prejudice to Renewal to the United States Court of Appeals for the Second Circuit, dated August 28, 1976, is annexed hereto as Exhibits Page 86.

The Order of the United States Court of Appeals for the Second Circuit filed on September 22, 1976 granting Appellant leave to withdraw the appeal without prejudice to renewal after the termination of a Rule 60 (b) motion is annexed hereto as Appendix Page 35.

V. ARGUMENT

POINTS 1. thru 7.

This is in addition to the Argument contained in the Appellant's Brief.

Appellant was by criminal, unlawful and unconstitutional means prevented from diligently investigating the deleterious consequences of the negligent acts and omissions of the Veterans Administration employees inspite of his efforts. While Appellant would have had to risk his life and that of his parents by filing a tort claim for medical malpractice before August 2, 1974, such filing would have been futile, because the Veterans Administration would have insisted on statements from physicians and none of them was willing to issue a report directly or indirectly reflecting medical malpractice of other physicians and medical personnel until September 24, 1974. This is proved by Exhibits Pages 2 thru 49; 54 thru 59; 69 thru 84. In order to put the sole burden for discovery on a claimant in such cases, his word alone would have to be accepted and the requirement of physicians' statements would have to be abolished.

Exhibits Pages 77 thru 81 show, for instance, that in New York City the Appellant's harmless demand in 1970 for a Medical Statement as to some but not all of his ailments, which mentioned nothing about medical malpractice and from which certainly no layman could conclude it, caused organized medicine to carry out a new murder attempt on the Appellant resulting in very great bodily harm and his having to flee the United States of America once more in order to save his life.

Therefore, the court opinions cited by the Appellees as to the "continuous treatment rule" and as to "discovery of the negligent acts and omissions" are not applicable to this special case.

Appellant's illegal detention in Bellevue Psychiatric Hospital caused by the Kingsbridge Veterans Administration Hospital physician on October 23, 1965 was not only false imprisonment. The negligent and wrongful acts of this physician were also medical malpractice and omissions of negligent magnitude because on arrival at said hospital Appellant was handed an application form for psychiatric admission and Appellant crossed everything out and wrote underneath that his application was for medical hospitalization and treatment only and not for psychiatric hospitalization and treatment. Thereafter he told this physician that he was not mentally ill but that he was physically ill and urgently needed treatment for liver damage, anemia, circulatory complications and infection and other damage of the genito-urinary tract. Even though the Appellant looked very ill, said physician gave him no physical examination and did not even take his blood pressure. The appellant refused to answer all questions as to the cause of his illness or anything else that could be used to twist the facts for psychiatric detention purposes. Therefore, this was foremost a life endangering denial of treatment and hospitalization for a very grave physical illness to which Appellant was entitled as a Veteran and for which the Appellees are responsible under the Federal Tort Claims Act.

In addition to the criminal, unlawful and unconstitutional means by which Appellant was prevented from filing his administrative tort claim until August 2, 1974 already cited and supported in Appellant's Brief, there was also a clear case of continuous FRAUD on the part of the Appellees and of physicians and others involved. This is supported by the Appendix and Exhibits of the Appellant's Brief as well as by Exhibits Pages 69 thru 84 annexed hereto.

FRAUD is, however, an additional reason why the statute of limitations must be tolled in this special case.

The following court decision together with the authorities cited in the Appellant's Brief is the basis for deciding this special case:

Scarborough v. Atlantic Coast Line Railroad Co.
178 F 2d 253 (4th Cir. 1949), 15 A.L.R. 2d 491.
certiorari denied 339 U.S. 919, 70 S.Ct. 621,
94 L.Ed. 1343.

Kindly see also:

Appellant's Brief Appendix Pages: 6, 7, 9 thru 31;

Appellant's Brief Exhibits Pages: 1A thru 63;

Appellant's Reply Brief Exhibits Pages: 65 thru 84.

POINT 8.

This is a rightful appeal from the underlying District Court Order dated October 6, 1975, because the Appellant filed timely Notice of Appeal from this underlying Order dated October 6, 1975, and upon his Motion the Court of Appeals for the Second Circuit with Order filed on September 22, 1976 granted the Appellant leave to withdraw the appeal without prejudice to renewal after the termination of a Rule 60 (b) motion.

Kindly see:

Appellant's Brief Appendix Pages: 9 thru 14;

Appellant's Reply Brief Appendix Page: 35;

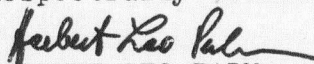
Appellant's Reply Brief Exhibits Pages: 85 and 86.

VI. CONCLUSION

FOR THE FOREGOING REASONS THE ORDERS OF THE DISTRICT COURT SHOULD BE REVERSED.

Dated: Frankfurt am Main, Germany
September 6, 1977

Respectfully submitted,


HERBERT LEO PALM

-Plaintiff-Appellant-Pro Se-
Bahnpostlagernd
6000 Frankfurt/Main 11
Germany

Mailing Address
for Service :

APPENDIX (continued)

LIST OF PARTS OF THE RECORD CONTAINED IN APPENDIX

DOCKET

APPENDIX

ENTRY NO.:

PAGES:

-11-	U.S. Court of Appeals- Second Circuit	-35-
	Order filed September 22, 1976, granting	
	Appellant leave to withdraw the appeal	
	without prejudice to renewal after the	
	determination of a Rule 60 (b) motion.	

PRO SE
9/22/76
76-6032

UNITED STATES COURT OF APPEALS

Second Circuit

76-6032

At a Stated Term of the United States Court of Appeals, in and for the Second Circuit, held at the United States Court House, in the City of New York, on the 22nd day of September, one thousand nine hundred and 76

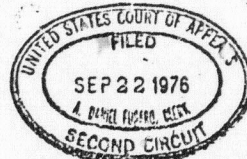
Herbert Leo Palm,

Appellant,

v.

The Veterans Administration, et al.,

Appellees.



Appellant

A motion having been made herein by ~~renewal~~ ^{renewal} pro se for ~~modification of the order~~ ^{modification of the order} ~~entered in this case on September 1, 1976, directing the appellant to~~ ^{entered in this case on September 1, 1976, directing the appellant to} ~~withdraw the appeal without prejudice to renewal after the termination~~ ^{withdraw the appeal without prejudice to renewal after the termination} of a Rule 60(b) motion

Upon consideration thereof, it is

Ordered that said motion be and it hereby is

GRANTED.

GRANTED

Paul R. Hays

William H. Timbers

Murray I. Garfein

Circuit Judges

WHT MIG PRH

EXHIBITS - TABLE OF CONTENTS

EXHIBITS
PAGES:

- 65 - 68 List of "Hospitals and Physicians who treated the insured (Appellant) for total disability disease", filed with Appellees Veterans Administration Center, P.O.Box 8079, Philadelphia, Pa. 19101, on December 22, 1974.
- 69 - 72 Handwritten letter dated August 15, 1974 and envelope addressed by Dr. H.H. Margulies, London, England, to The Medical Centre, Webb House, 210 Pentonville Road, Kings Cross, London, England, with U.S. Consul John C. Mallon's true copy certificate dated September 2, 1977 plus copy of typewritten transcript.
- 73 - 76 Appellant's Complaint dated April 20, 1976 against Psychiatrist Roger Alan Mackinnon, M.D., and General Practitioner Jacques J. Bardavid, M.D., both New York, N.Y., filed with New York State Department of Education, Professional Conduct Division, New York, N.Y., and transferred to New York State Department of Health, Office of Professional Medical Conduct, Albany, N.Y.
- 77 - 81 Appellant's Complaint dated April 20, 1976 against General Practitioner Leo G. Hess, M.D., and Alexander Muller, M.D., both of New York, N.Y., filed as above cited Complaint.
- 82 Letter to Appellant from N.Y. State Department of Health, Board for Professional Medical Conduct, Albany, N.Y., dated November 13, 1976.
- 83 - 84 Appellant's letter to New York State Commissioner of Health Robert P. Whalen, M.D., dated December 6, 1976.
- 85 Registration Receipt of 6 Frankfurt am Main 1 post office No. R 305, dated December 1, 1975 and Postal Return Receipt signed on December 3, 1975 by Miss Kathleen Thompson for the U.S. District Court, Southern District of New York covering the mailing and receipt of Appellant's Notice of Appeal, dated December 1, 1975 - 75 CIV 748 (CMM).
- 86 Appellant's Motion for Withdrawal of Appeal without Prejudice to Renewal to the U.S. Court of Appeals, Second Circuit, dated August 28, 1976 - Civil Appeal Docket No. 76-6032.

VETERANS ADMINISTRATION - CLAIM FOR DISABILITY INSURANCE BENEFITS

Insured: Herbert Leo Palm, Groe.Niddastrasse 19a c/o Kunzmann
75 Karlsruhe 41, Germany

Policy and File Nos.: V 38 52 38

Items 16.&17.: Hospitals and Physicians who treated the insured for total disability disease:

	DATE TREATMENT BEGAN	DATE LAST TREATMENT
Stanley I. Glickman, M.D. 45 East 85 Street, New York, NY	May 18, 1965	May 18, 1965
Dr. Tojino, Vanderbilt Clinic, Urology Dept., The Presbyterian Hospital New York, NY 10032	June 1, 1965	June 1, 1965
Henry Rubenstein, M.D. 97 Fort Washington Avenue, New York, NY 10032	June 3, 1965	Aug. 4, 1965
Myron S. Roberts, M.D. Doctors' Private Offices, The Presbyterian Hospital, New York, NY 10032	June 7, 1965	June 7, 1965
Raphael Moller, M.D. 600 West 169 Street, New York, NY 10032	June 13, 1965	June 13, 1965
Jacob M. Cohen, M.D. 608 West 174th Street, New York, NY 10033	July 12, 1965	Dec. 20, 1965
Morris Reschke, M.D. 1 West 81 Street, New York, NY 10024	June 14, 1965	June 14, 1965
Leo Gourvey, M.D. 2763 Sedgwick Ave, Bronx, New York 10468	June 25, 1965	June 29/65
Veterans Administration- Dr. Cooney & colleague & Dr. Ferber File 3006-136B5 Q 6 506 896 252 Seventh Avenue, New York, NY 10001	Sept. 1, 1965	Sept. 1/65
St. Vincent's Hospital-Out-Patient Dept. Chart No. 20-81-32 11th Street and 7th Avenue, New York, NY	Oct. 12, 1965	Oct. 20/65
Joseph Livingston, MD. 714 West 181 Street, New York, NY 10033	Oct. 22, 1965	Oct. 22/65
Kingsbridge Veterans Administration Hospital Out-Patient Dept., Bronx, NY	Oct. 23, 1965	Oct. 23/65
Jacobi Hospital, Out-Patient Dept., Bronx, NY	Oct. 23, 1965	Oct. 23/65
Bellevue Hospital, Psychiatric Division, In-Patient <u>Illegal detention</u> , Case No. 02-77-86, New York, NY	Oct. 23/65	Nov. 4/65
St. Luke's Hospital Center, Emergency Dept. Amsterdam Ave, & 113 Street, New York, NY	Dec. 7, 1965	Dec. 7/65
H. Grauer, M.D. & colleague at (Out-patient) Jewish General Hospital, Montreal, Canada	Jan. 22, 1966	Jan. 2, 1966
Dr. med. J. Wyler Falkenstrasse 14, Zurich, Switzerland	Feb. 1, 1966	Feb. 1, 1966
Dr. med. Eugen Schildge Sandstrasse 19, 78 Freiburg/Breisgau, Germany	Feb. 3, 1966	Feb. 3, 1966

VETERANS ADMINISTRATION - CLAIM FOR DISABILITY INSURANCE BENEFITS

Insured: Herbert Leo Palm, Groe. Niddastrasse 19a, c/o Kunzmann ,
75 Karlsruhe 41, Germany

Policy and File Nos. : V 38 52 38

Items 16.&17. continued: Hospitals and Physicians who treated
the insured for total disability disease:

	DATE TREATMENT BEGAN	DATE OF LAST TREATMENT
Dr.med. Meinrad Schaefer Prinz-Eugen Strasse 1, 78 Freiburg/Breisgau, Germany	Feb. 3, 1966	Feb. 11, 1966
University Medical Clinic, Out-Patient Dept. Dr. Maigen & others Hermann-Herder Strasse 6, 78 Freiburg/Breisgau, Germany	Feb. 7, 1966	Feb. 10, 1966
Dr. med. Adolf Zippelius, Kriegsstrasse 130, 75 Karlsruhe, Germany	Feb. 11, 1966	11 visits
Dr. med. R. Iaqué Hohenzollernstrasse 77, 67 Ludwigshafen, Germany	March 19/66	Apr. 9, 1966
Dr. Roger Pernot 23, Boulevard D'Anvers ,Strasbourg, France	March 24, 1966	March 24/66
Dr.med. Paul O. Selbach Gugenmusweg 1, 69 Heidelberg, Germany	April 6, 1966	Apr. 6/66
Dr.G. Arndt, Krankenhaus Bethanien, In-and Out-Patient, Im Pruefling, 21-25, 6 Frankfurt/Main, Germany	April 26, 1966	May 27/66
Dr.med. F. Biller, In-Patient, Mainzer Landstrasse 90, 6 Frankfurt/Main, Germany	May 17, 1966	May 20, 1966 66
Dr. med. F. Ludwig, In-Patient Krankenhaus Bethanien, Im Prüfling 21-25, 6 Frankfurt/Main, Germany	May 25, 1966	May 25, 1966 66
Krankenhaus Bethanien, In-Patient Im Prüfling 21-25, 6 Frankfurt/Main, Germany	May 3, 1966	May 27, 1966 66
Prof. Dr. med. Egon Wildbolz Saugeneckstr.25, Bern, Switzerland	June 10, 1966	June 10, 1966 1966
University Polyclinic (out-patient). Karlovo Nam. 32, Prague, Czechoslovakia	June 15, 1966	Sep., 1966
Dr. med. F. Ludwig, In-Patient Krankenhaus Bethanien , Im Pruefling 21-25, 6 Frankfurt/Main, Germany	Sep. 23, 1966	Oct. 4, 1966
Dr. med. Johannes Thyssen, In-Patient KKH Meisengasse 8, 6 Frankfurt/Main, Germany	Oct. 5, 1966	Nov. 14, 1966 66
Krankenhaus Bethanien, In-Patient Im Pruefling 21-25, 6 Frankfurt/Main, Germany	Sept. 23, 1966	Nov. 14/66

VETERANS ADMINISTRATION-CLAIM FOR DISABILITY INSURANCE BENEFITS

Insured: Herbert Leo Palm, Groe. Niddastrasse 19a, o/o Kunzmann,
75 Karlsruhe 41, Germany

Policy and File Nos. : V 38 52 38

Items 16.&17.continued: Hospitals and Physicians who treated
the insured for total disability disease:

	DATE TREATMENT BEGAN	DATE OF LAST TREATMENT
Dr. med. Karl Rippe & Dr. med. Schulz(Lab.) Zeil 1, 6 Frankfurt/Main, Germany	Nov.15,1966	Nov.15,1966
Dr. med. G. Kreth, Out-Patient Kreiskrankenhaus Falkeneck, Braunfels, Hessen, Germany	Nov.16,1966	Nov. 29,1966
Dr. med. Johannes Thyssen, In-Patient Meisongasse 8, 6 Frankfurt/Main,Germany	Dec.1,1966	Dec. 10,1966
Krankenhaus Bethanien, In-Patient Im Pruefling 21-25, 6 Frankfurt/Main,Germany	Dec.1,1966	Dec. 10,1966
Ste. Anne Mental Hospital, Paris, France <u>Illegal detention</u>	June 12,1967	Jan.3,1968
Vanderbilt Clinic,The Presbyterian Hospital, New York,NY 10032, Chart No. 125-96-68 <u>illegitimate psychiatric treatment</u> OUT-PATIENT	Jan. 4,1968	several weeks thereafter
Jacques J. Bardavid,M.D. 611 West 177 Street, New York,NY <u>illegitimate psychiatric treatment</u>	thereafter	March 18,1968 & July 6/68
Samuel L.Saltzman,M.D., New York,NY	June or July 1968	ditto
Henry Rubenstein.M.D. 97 Fort Washington Ave,New York,NY 10032	July 6, 1968	July 6,1968
Clinical Laboratory, William Eilbott,M.D. 755 West End Avenue, New York,NY 10025	Sep. 11,1968	Sept. 11,1968
Leo G. Hess,M.D. 621 West 169 Street, New York,NY 10032	Sept.17,1968	March 22/71
Alexander Muller,M.D. XXXXXXXX 800 Riverside Drive,New York,NY 10032	March 13,1971	March 13/71
M. Jacobs,M.D. 564 West 160 Street, New York,NY 10032	Nov.6,1968	Nov.6,1968
The Roosevelt Hospital, Emergency Dept. New York,NY	Nov. 12,1968	Nov.12,1968
Ulrich Ollendorf, M.D., New York,NY	Feb.1/71	Feb.1/71
University Polyclinic, Out-Patient Karlovo Nam.32, Prague, Czechoslovakia	April 25,1971	several vis.

VETERANS ADMINISTRATION-CLAIM FOR DISABILITY INSURANCE BENEFITS

Insured: Herbert Leo Palm, Groe. Niddastrasse 19a, o/o Kunzmann,
75 Karlsruhe 41, Germany

Policy and File Nos. : ~~KA~~ V 38 52 38

Items 16.&17. continued: Hospitals and Physicians who treated
the insured for total disability disease:

	DATE TREATMENT BEGAN	DATE OF LAST TREATMENT
Polyclinic, East Berlin, Out-Patient Germany	May or June several visits 1971	
Dr. Eitel-Heinz Fromberg, Kantstrasse 143, 1 Berlin 12, Germany	July 12,1971	Oct.5,1971
Dr. med. Franz Kuehling Kurfuerstendamm 29, 1 Berlin 15, Germany	Aug. 11,1971	Aug. 11,1971
Dr. med. Wilfried Doering Kurfuerstendamm 215, 1 Berlin 15, Germany	Sept. 6, 1971	Sept. 6,1971
Dr. Med. A. Reiter Uhlandstrasse 114, 1 Berlin 31, Germany	Sep.14,1971	Sep. 28,1971
Priv.Do. Dr.med. G. Volkheimer Bayerischer Platz 9, 1 Berlin 62, Germany	Sep. 24, 1971	Sep. 24,1971
Dr. med. Gert Boehme Gartenstrasse 66, 6 Frankfurt /Main 70, Germany	Sep. 12, 1972	Sep. 12,1972
Dr. med. W. Gueckel Bahnhofstrasse 6, 65 Mainz, Germany	Oct. 19,1972	Oct. 19,1972
Dr. med. Gernot Hilkenbach Hildegardstrasse 31, 1 Berlin 31, Germany	Dec. 11,1972	Oct.3,1974
Dr. med. Kurt Harbeck Schlossstrasse 107-108, 1 Berlin 41, Germany	Dec. 19,1972	Dec.19,1972
Dr. med. H. Lattermann Gotzkowskistrasse 8, 1 Berlin 21, Germany	Dec. 14,1972	XXXX Nov.19/7 1973
Dr. med. C. Mathis Alt-Tempelhof 24, 1 Berlin 42, Germany	Jan. 22,1972	Oct.29,1973
Dr. med. Gerhard Seide Tempelhofer Damm 122, 1 Berlin 42, Germany	Jan.22,1973	Oct.26,1973
Dr. med. KJ Schoeldgen Tempelhofer Damm 138, 1 Berlin 42, Germany	Jan. 23,1973	July 24,1973
Dr. med. Gottfried Korsukewitz Turmstrasse 35a, 1 Berlin 21, Germany	Apr. 19,1973	Oct.19,1973
Dr.med. Norbert Zeman Residenzstrasse 33, 1 Berlin 51, Germany	Sep.20,1973	Nov.26,1973
Dr. med. HEINRICH A. Schmidt-Burbach Potsdamer Strasse 192, 1 Berlin 30, Germany	Oct. 26, 1973	Oct. 26,1973
Dr. HH Margulies 55, St. Gabriel's Road, London, NW 2, England	Dec.1966	Aug. 15,1974
Dr.K.Shirley Smith, 86, Harley Street, London, W 1, England	Nov. 1971	Nov. 1971
Diagnostisches Zentrum Berlin Berlin 31, Germany	Sep.18,1974	Sept.18/74

Dr. H. H. Margulies

TELEPHONE:
01-452 5900

55 ST. GABRIEL'S ROAD
LONDON NW2 4DT

15 AUG 1974

Dear Doctor,

Mr. Herbert PALM 55,
1-3, Templeton Place S.W.5

This patient wishes to claim a disability
pension from the U.S.A. and has asked
for a battery of investigations. The following
① Blood sugar ② Blood count, ESR,
SGPT, SGOT, BUN, GGT, alkaline
phosphatase, ALKALINE PHOSPHATASE in
serum and urine, Urea, creatinine,
uric acid, Urine analysis with
culture, ECG, and Stools for
culture.
The stool specimen will be brought
along.

You will make your own conclusions
about the test and from the history
which are obvious, but I do not
wish to refuse it.

Yours sincerely

[Signature]

DR. H. H. MARGULIES
55 ST. GABRIEL'S ROAD,
LONDON, N.W.2

THE MEDICAL CENTRE
• WEBB HOUSE
210, PENTONVILLE RD.,
KINGS CROSS

N.I. 9.T.A

278-4565/4647

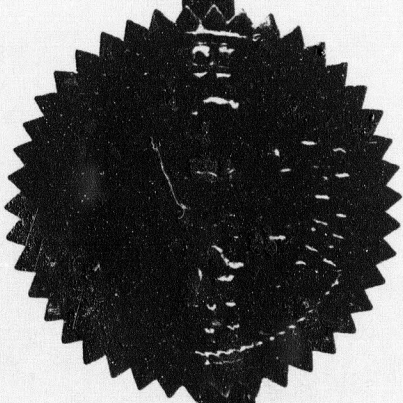
BEST COPY AVAILABLE


1988 RELEASE

eral Republic of Germany)
d Hesse)
y of Frankfurt am Main)
ulate General of the)
ed States of America)

he undersigned consular officer of the United States of
America, duly commissioned and qualified, do hereby certify
that the foregoing ~~is~~ / are a true and faithful ~~copy~~ /
copies of the original / ~~copy~~ / ~~copies~~ this day exhibited to
me the same having been carefully examined by me and compared
with the said originals / ~~copy~~ / ~~copies~~ and found to agree
therein with word for word and figure for figure.

IN WITNESS WHEREOF I have hereunto set my hand and affixed
the seal of the Consulate General of the United States of
America at Frankfurt/Main, Germany, this 2nd day of Sept. 1977




JOHN C. MALLON
Consul of the United States
duly commissioned and qualified

GEN 1 / 77

Exhibits Page -71-

Dr. H. H. MARGULIES

Telephone:
01-452-5900

55 St. Gabriel's Road
London NW 2 4DT

15 Aug 1974

Dear Doctor,

Mr. Herbert Palm 55
1-3 Templeton Place SW 5

This patient wants to claim a disability pension from the USA, and has asked for a battery of investigations. The following

(1) Blood Sugar (2) Blood Count, ESR, SGPT, SGOT, Gamma GT, Alkaline phosphatase, Alkaline Amylase in serum and urine, Kreatinine, Urea, Uric Acid, Urine AMIX Analysis with culture, ECG, and Stools for culture .

The Stool specimen will be brought along.

You will make your own conclusions about the list and from the history which are obvious, but I do not want to refuse it.

Thanks

Yours sincerely

signed Dr. H.H. Margulies

Addressed to: The Medical Centre
Webb House
210, Pentonville Rd
Kings Cross
N 1 9TA

Void

Herbert L. Palm
Bahnpostlagernd
6 Frankfurt/Main 11
Germany

New Address

Herbert L. Palm
Niddastrasse 19a
7500 Karlsruhe 41
Germany

AIR MAIL-REGISTERED RRR

April 20, 1976

State of New York
Department of Education
Professional Conduct Division
261 Madison Avenue
New York, N.Y. 10016, USA

Re: Complaint against ROGER ALAN MACKINNON, M.D.
11 East 87 Street,
New York, NY
In 1968 Director of Psychiatric Out-Patient
Clinic, The Presbyterian Hospital in the
City of New York, Chart No. 1259668
and
JACQUES J. BARDAVID, M.D.
990 West 190 Street, New York, NY

Gentlemen:

I am herewith asking that the licenses to practice medicine of Roger Alan MacKinnon, M.D. and of Jacques J. Bardavid, M.D. be permanently revoked and that they be prosecuted for deliberate criminal medical malpractice, and for conspiracy on behalf of the New York crime syndicate.

On June 12, 1967, I was kidnaped by a detective, who did not identify himself, out of the Clerk's room where I peacefully waited to see an English-speaking prosecutor at the Palais de Justice in Paris, France. I had tried to file a complaint because the restaurants in Paris had been putting intestines damaging laxatives into my food, causing me a severe diarrhea for about two weeks with weakening of the circulatory system and possible new liver damage.

I was then put by the Criminal Police into Sainte Anne Hospital with the consent of officials of the American Embassy who had never seen me nor talked with me. This is a mental hospital. The purpose was to deport me to a mental hospital in the United States. However, I refused to return to the United States until such time that guarantees were given me that I would not be committed into a mental hospital and that I would be left unharmed.

The French police operate under a mental health law of the eighteenhundredthirties. According to this law, only the police can release from the hospital those they had put in. In the case of Frenchmen, no psychiatrist dares to apply for a release order before at least six months have elapsed, irrespective of whether or not the inmate is a mental case. No home visits are allowed these "police patients", whereas real patients, not put in by the police, spend in many instances most of the week at home.

In the case of foreigners, they are usually promptly deported.

There are no provisions for appeal in a court of law or to be represented by lawyers.

A few days after my detention, the American Consul in Paris, Miss Mary Chiavarini, visited me. She immediately saw that I was no mental case and promised to get me released in Paris within a few days.

However, after this visit she did not reappear for several weeks. She then changed her tune to the effect that I would have to return to a mental hospital in the United States. She obviously had gotten these instructions from her colleagues at the American Embassy who had conspired to get me incarcerated in the first place. I told her that gangsters tried to murder me in New York City. She alluded to this in a report to the Department of State and made it out to be proof of my mental illness.

Professor Deniker, in charge of the clinic I was in, promised me then to get me released to friends in Germany, if they would furnish a letter to the effect that they would pick me up at the hospital in Paris. They promptly sent me such letter, whereupon Consul Mary Chiavarini came running and invoked an old treaty to the effect that I would have to return to the United States.

On the other hand, a few weeks earlier, a really badly disturbed American was released to Sweden only accompanied by his Swedish girl friend.

In October, 1967, I finally consented to return to New York City, after Professor Deniker made it clear that he could not release me in Europe due to the American Embassy's attitude, and after his colleague, Professor Denber of New York City had personally guaranteed me that I would neither be committed into a mental hospital in the United States nor physically harmed. After this consent was given, the United States Department of State deliberately delayed the formalities necessary for my return to the United States until the latter part of December 1967 and insisted that I be accompanied at my own expense by a hospital staff physician, even though I needed no supervision. He made the trip only on January 3, 1968, due to the holidays.

As part of the agreement with Professor Denber, I reported on January 4, 1968 to the screening department of Vanderbilt Clinic, The Presbyterian Hospital in the City of New York. Psychiatric screening resident Dr. Bowden, M.D., prescribed me 4mg Maudol (Haloperidol) per day and artene, the drugs I was given in Paris and which caused me toruous discomfort such as Parkinsonian symptoms, insomnia, difficulty to void, inability to sit still, etc. Dr. Bowden prescribed these drugs even though he saw no indication of any mental illness or disturbance or nervousness on my part. Thereafter, Miss Mary Anne Giese, a registered psychiatric nurse from The Presbyterian Hospital visited me at my apartment several times, taking my blood pressure and checking on whether or not I took the medicine.

Re: ROGER ALAN MACKINNON, M.D. and JACQUES J. BARDAVID, M.D. -3-

After about one week, I was given an appointment with resident psychiatrist Dr. Glick, M.D. at the Psychiatric Out-Patient Clinic of The Presbyterian Hospital of the City of New York. He saw me three or four times, asking me questions about my youth, even though I made it clear to him that I needed none of this. He then arranged a meeting with the Psychiatric Out-Patient Clinic's Director, Roger Alan MacKinnon, M.D. and the entire psychiatric medical and nursing staff. I told them during this meeting, as from the beginning, that I was not mentally ill, that I was feeling fine mentally, and that I needed neither treatment nor medication for any mental condition.

However, Roger Alan MacKinnon, M.D., knowing full well from others that I was a criminal urological malpractice case, gave me a veiled threat as to what would happen to me if I were not to follow his instructions. He meant that he would see to it that I would be made physically ill by adulterated water and food if I did not follow his instructions.

After this staff meeting, Roger Alan MacKinnon, M.D., and associates decided that Miss Mary Anne Giese should visit me once per week to check my blood pressure and medicine. She did this twice and then got tired of it, stating to me that she had more urgent cases to attend to. She wanted to turn me over to the Visiting Nurse Service. They allegedly refused for the same reason. Roger Alan MacKinnon, M.D. then turned me over to Jacques J. Bardavid, M.D., a highly nervous and disoriented general practitioner with offices then at 611 West 177 Street, New York, N.Y. All this was done by telephone. Miss Mary Anne Giese told me that it was Dr. MacKinnon's wish that I see Jacques J. Bardavid, M.D. once every six weeks. Dr. Bardavid, who seemed to have few patients, however, and not much to do and whose knowledge in his own field as general practitioner seemed to be rather limited and who certainly had no psychiatric training, ordered me to see him once per week. He charged me \$ 10.00 per visit to ask me silly questions, a fee that certainly exceeded his regular fee. It was fully apparent that he had been briefed that I was not a mental case but a criminal urological malpractice case.

I made it repeatedly clear to him that he was to see me only every six weeks, but he also gave me veiled threats. Finally, on March 8, 1968, after 5 visits, he told me he would stop seeing me now, and that if I should "feel bad", I should either see him again or report to the Psychiatric Out-Patient Department of The Presbyterian Hospital. Actually, I felt mentally and emotionally fine and had no need at all for any psychiatric treatment.

On July 6, 1968, after I had been employed by Chemical Bank, New York City, where my performance was highly appreciated, I innocently visited Jacques J. Bardavid, M.D. to get a referral to ophthalmologist Samuel L. Saltzman, M.D., who wanted it for Blue Shield medical insurance purposes. Jacques J. Bardavid, M.D.

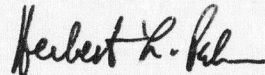
Re: ROGER ALAN MACKINNON, M.D. and JACQUES J. BARDAVID, M.D. -4-

refused me this referral, even though I had a cyst on my eye lid. He got all excited, claiming that he had told me to see him six weeks after my last visit, and that I had not followed his instructions. He claimed that he had entered this in his file card, but actually he had told me as stated above that ~~that~~ I was to see him only if I "feel bad". Since I was not used to seeing physicians in a tantrum, I left his office without listening further to his tirade.

A few days after I had seen Jacques J. Bardavid, M.D., the water and food in New York City was adulterated with chemicals against which I had been made allergic by the criminal urological malpractice, and I became severely ill with new toxic liver damage, circulatory complications, loss of weight, dizziness, etc. This forced me to report ill to Chemical Bank on September 17, 1968, and I was unable to return to this job or get a new one, since from that time on I was kept ill just about all the time and several murder attempts were made on me since that time.

No doubt, Jacques J. Bardavid, M.D. together with Roger Alan MacKinnon, M.D. had arranged this water and food adulteration with the New York crime syndicate.

Sincerely yours,



Herbert L. Palm

Void

Herbert L. Palm
Bahnpontlagernd
6 Frankfurt/Main 11
Germany

New Address

Herbert L. Palm
Niddastrasse 19a
7500 Karlsruhe 41
Germany

AIR MAIL-REGISTERED RRR

April 20, 1976

State of New York
Department of Education
Professional Conduct Division
261 Madison Avenue
New York, NY 10016, USA

Re: Complaint against LEO G. HESS, M.D.
621 West 169 Street
New York, NY 10032

and ALEXANDER MULLER, M.D.
800 Riverside Drive
New York, NY 10032

Gentlemen:

I am herewith asking that the licenses to practice medicine of Leo G. Hess, M.D. and Alexander Muller, M.D. be permanently revoked and that they be prosecuted for deliberate criminal medical malpractice, and for conspiracy on behalf of the New York crime syndicate.

On September 11, 1968, I obtained laboratory tests. Same showed that I had new toxic liver damage and anemia. Besides, I had coronary insufficiency, myocardial weakness, hypotension and allergic reactions.

On September 17, 1968, I went to see general practitioner Leo G. Hess, M.D., then at 621 West 169 Street, New York, NY 10032. He knew about my medical malpractice history beforehand, even though I had never met or seen him before. He implied that the big shots of organized medicine would not permit him or any other physician to treat me properly or help me. Actually, however, he was in full accord with them.

On one of my subsequent visits which I had to make to get the disability insurance benefits forms filled out by him, Leo G. Hess, M.D. persuaded me to accept an injection of Vitamin B 12 from him. This turned out to be adulterated with a chemical which caused me great pain in the heart area. This pain lasted for many months.

Leo G. Hess, M.D. did not volunteer any help during my visits or suggest prescriptions. He only issued some prescriptions which I had asked for by name. He refused my request for fructose infusions in his office or for a prescription of fructose intravenous bottles for self-administration. Same were required to repair my toxic liver damage.

He handed me once a referral to a pathologist-hematologist and once a referral to an internist, both connected with Jewish Memorial Hospital, New York, NY, on whose staff he was himself. I refused to see these physicians, since it was evident that they were supposed to malpractice on me further.

During these visits, Leo G. Hess, M.D. prodded me into talking about the original criminal medical malpractices and what was done to me by whom subsequent thereto. All or most of my conversations with him were tape recorded by his wife next door.

On August 19, 1970, Leo G. Hess, M.D., issued a statement which I needed to prove my disabilities to a German indemnification office. He was quite upset when I asked him for it. I showed him for the first time some of the statements and records of physicians and hospitals who treated my original criminal medical malpractices in Europe.

The statement of Leo G. Hess, M.D. said that he treated me since September 17, 1968 for the following illnesses and that I was since then until an indefinite period of time unable to work:

- a) Very ~~XXXXXX~~ severe liver parenchyma damage;
- b) Anemia;
- c) Attacks of dizziness;
- d) Breathing difficulties;
- e) Loss of weight;
- f) Circulatory dystonia (Stenocardia) with temporary coronary insufficiency and myocardial weakness;
- g) Hypotension;
- h) Chronic prostatitis;
- i) Intercoastal neuritis emanating from the prostatitis;
- k) Severe damage to the entire vegetative nervous system;
- l) Severe allergies.

Leo G. Hess, M.D. promptly reported this and the fact that I sent copies of some of my European treatment records to my lawyers in Germany in connection with my indemnification claim to the crime syndicate. I did not even include anything from which medical malpractice could be readily seen.

However, as of August 25, 1970 the adulteration of all foods had resumed. It had been pretty well stopped since about middle of May or beginning of June, 1970.

From October, 1970 on I was suffering from unnatural perspiration, caused by adulterated water and food.

By November 23, 1970, I had developed a bronchitis and chill from this unnatural perspiration. Leo G. Hess, M.D. gave me NILCOL ELIXIR samples against the bronchitis.

On November 27, 1970, Leo G. Hess, M.D. gave me PROBANTINE with PHENOBARBITAL tablets, which are really for ulcers, to alleviate the perspiration and again NILCOL ELIXIR against the bronchitis. However, the condition continued without noticeable improvement.

By January 25, 1971, it had caused a severe inflammation of my eyes. Leo G. Hess, M.D. said I should not see any eye doctor and recommended VISINE eye drops. He claimed it came from the air pollution and I knew that this was not true.

On February 2, 1971, I nevertheless went to see ophtalmologist Ulrich Ollendorff, M.D., New York, NY. He first wanted to give me eye drops that contained sulfa. When I told him that I may be allergic to sulfa, he prescribed NEO-DECADRON eye drops. Same contain cortison. They were, however, insufficient to improve or eliminate this inflammation of my eyes.

My eye balls were almost as hard as stone and hurt badly. This came from the kidneys in conjunction with allergies. It took later in Europe several months of treatment with cortison tablets to get rid of it.

Beginning of February, 1971, the unnatural perspiration had been stopped for a few days, i.e. the adulteration of water and food, to apparently make me believe that Leo G. Hess', M.D. medicine had caused the improvement.

About middle of February, 1971 the unnatural perspiration started again. I got rhinitis with temperature. I stayed in bed and used mainly bufferin tablets and a few Coricidin (antihistamine) tablets.

On February 26, 1971, Leo G. Hess, M.D., again gave me Probantine with Phenobarbital tablets against unnatural perspiration and prescribed Novahistin syrup against the bronchitis and rhinitis and Tetrazeta against the Tonsillitis.

On March 2, 1971, Leo G. Hess, M.D. again prescribed NOVAHISTIN syrup.

By March 8th 1971, my bronchitis had become so bad that I had developed a temperature of 101°F. I phoned Leo G. Hess, M.D. and asked him to come to my apartment, since the weather was bad. He first demanded that I come to his office but later on he unexpectedly appeared at my apartment. Obviously, the crime syndicate which tapped my phone told him to go and malpractice. He prepared an injection and I told him that this was not Penicillin. He said no, it was TERRAMYCIN and claimed that same was better and that Penicillin was overrated. He said he would give me an extra large injection and used about 2 cubic inches of it.

On March 10, 1971, the temperature and bronchitis had still not been eliminated, and I went to his office where Leo G. Hess, M.D. gave me another TERRAMYCIN injection of 1-1/2 cubic inches. He also prescribed PROBANTINE with PHENOBARBITAL tablets against the perspiration. He then said he would the same day go on vacation until March 22, 1971 without telling me what physician to see in case of need.

This TERRAMYCIN had meanwhile caused me somewhat loose stool.

Re: LEO G. HESS, M.D. and ALEXANDER MULLER, M.D. -4-

Since the febrile bronchitis still persisted, I went on March 13, 1971 to the office of Alexander Muller, M.D., 800 Riverside Drive, New York, NY 10032. I had never known or seen him before. I told him about the TERRAMYCIN injections of Leo G. Hess, M.D., and he asked whether I was allergic to PENICILLIN. I told him no and that I tolerate Penicillin perfectly. Nevertheless, without saying anything further, Alexander Muller, M.D. gave me a TETRACYCLIN injection and prescribed 15 capsules of 250mg each of ACHROMYCIN to be taken four times per day. After five capsules I developed a skin rash and a severe diarrhea. I did not take the remaining ten capsules.

On March 18, 1971, the meat bought from butcher Paul Cymerman, 4051 Broadway, New York, NY, was heavily adulterated with a chemical that caused the diarrhea to become even worse. By then I was sure that this was a newly planned attempt in my life.

On March 22, 1971, I saw Leo G. Hess, M.D. and asked him to get the adulteration of meat and foods stopped. He refused and wanted me to take either another TERRAMYCIN injection or an injection of adulterated Vitamin B 12 of which a newly delivered bottle was standing on his table, "To clear up the bronchitis". Vitamin B 12 is of no use for treating Bronchitis anyway. I am not allergic to unadulterated Vitamin B 12.

I refused and asked him for a PENICILLIN injection which he refused. He became quite nasty and sarcastic and told me I could now change physicians.

It turned out that the continuous unnatural perspiration had been caused by inducing a special chemical into the water and food which then caused this allergic reaction via my vegetative nervous system and kidneys. It also caused the allergic reaction of my eyes. Leo G. Hess, M.D. then cultivated this allergic reaction to the point where an infection occurred and antibiotics were needed. And instead of using PENICILLIN which in my case had always been used for Bronchitis with perfect results, he used TERRAMYCIN which works through the liver and bile and is contraindicated in patients with kidney impairments and liver damage, since it then causes kidney and liver toxicity. Leo G. Hess, M.D. knew that I had kidney and liver damage.

Alexander Muller, M.D. knew from the use of TERRAMYCIN by Leo G. Hess, M.D. that I was the one who was to be malpracticed on and who had a malpractice history. He, therefore, used TETRACYCLIN and ACHROMYCIN which are even worse for my condition than TERRAMYCIN and which caused me the final severe diarrhea and bile duct inflammation and new kidney and liver toxicity. PROBANTHINE with PHENOBARBITAL and NOVABISTIN were used by Leo G. Hess, M.D. to block up my kidneys, liver and ganglia.

On March 22, 1971, while I saw Leo G. Hess, M.D., someone, most likely our building superintendent's wife, entered my kitchen and adulterated my good oatmeal and also adulterated other foods. This oatmeal was so heavily poisoned that one or two spoons full caused me severe burns and blisters on my tongue. This caused me even a ~~XXXX~~ worse diarrhea with hepatic cramps and a severe allergic reaction in my face, eyes and forehead. Foremost, however, it caused me an immediate Tachycardia with coronary insufficiency and myocardial weakness. My pulse was going day and night at a rate of over one hundred per minute for many weeks thereafter.

No doubt, Leo G. Hess, M.D. or his wife, had phoned the crime syndicate that I was in his office, and the adulteration in my kitchen was coordinated through them.

I lost about 15 lbs. within a few days and continued to radically lose weight. My heart was so badly weakened that I could expect it to stop any minute. This new kidney damage rapidly elevated my blood pressure to 160/90. I never had such high blood pressure in my life and it was obviously engineered to cause a thrombosis or other irreversible heart attack.

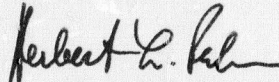
My normal blood pressure in recent years was about 115/70 and at no time exceeded 130/80 or so. Later on in Europe it dropped below the 115/70 level as it had done during earlier malpractices.

Leo G. Hess, M.D. and Alexander Muller, M.D. were fully responsible for this murder attempt. No doubt, details about this planned murder had been circularized earlier among the medical profession.

In order to save my life, I had to flee to Europe on April 13, 1971, where I have been ever since.

After great difficulties there, I was finally treated properly for Tachycardia, coronary insufficiency, myocardial weakness, pyelonephritis, dermatitis allergica, etc. and treated myself for liver toxicity.

Sincerely yours,



Herbert L. Palm

BEST COPY AVAILABLE



ROBERT P. WHALEN, M.D.
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF HEALTH

TOWER BUILDING
EMPIRE STATE PLAZA
ALBANY, NEW YORK 12237

HEALTH MANPOWER GROUP

JULIA L. FREITAG, M.D.
ASSISTANT COMMISSIONER

BOARD FOR PROFESSIONAL
MEDICAL CONDUCT

THADDEUS J. MURAWSKI, M.D.
EXECUTIVE SECRETARY

November 19, 1976

Recd 11/29/76

Mr. Herbert L. Palm
Niddastrasse 19a
7500 Karlsruhe 41
Germany

Dear Mr. Palm:

The complaints that you have lodged against several physicians have been investigated by the investigators in the Office for New York City Affairs of the New York State Department of Health.

This matter was reviewed by Doctor Walker, Chairman of the State Board for Professional Medical Conduct. After looking at the information presented, there did not appear to be any basis for misconduct or unprofessional conduct on the part of the physicians you listed. In view of this, this file will be closed.

Sincerely,

Thaddeus J. Murawski, M.D.
Executive Secretary
Board for Professional Medical Conduct

Herbert L. Palm
Niddastrasse 19a
7500 Karlsruhe 41
Germany

December 6, 1976

AIR MAIL-REGISTERED RETURN RECEIPT REQUESTED

Commissioner
Robert P. Whalen, M.D.
State of New York
Department of Health
Tower Building
Empire State Plaza
Albany, New York 12237, USA

PERSONAL

Dear Commissioner:

This is in reference to the letter dated November 19, 1976 from Thaddeus J. Murawski, M.D., Executive Secretary, Board for Professional Medical Conduct, State of New York Department of Health.

From Dr. Murawski's letter it is obvious that no proper investigation was carried out by your Department.

For one thing, I was neither questioned nor asked for the voluminous medical evidence covering the treatment in Europe of the criminal medical malpractices performed on my person by New York State licensed physicians.

Apparently, Conrado Tojino, M.D., who practices now in Cornwall, New York, was also not questioned by the office for New York City Affairs of your Department.

In my original Complaints I had indicated that all the malpracticing physicians had falsified their charts and records, and I have some written evidence to that effect in my possession. Therefore, their chart entries are self-serving and useless for such investigation.

What counts is the treatment which I required and received in Europe after I fled the United States of America, and your Department has not investigated same. I have sufficient medical knowledge to explain these treatments and laboratory findings in person. Besides, I have written diagnoses from the physicians who treated me.

Furthermore, my case is so grave that it must be considered by the entire Board for Professional Medical Conduct. The "review" by the Chairman of this Board, Doctor Walker, is further proof that a cover-up took place.

You are herewith requested to furnish me the following by air mail:

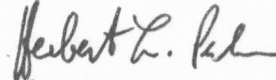
1. Certified, true and correct photocopies of my entire file, excepting the material which I submitted myself.
2. Your statement ~~XX~~ and listing of the material which I had furnished you, certifying that same is part of your file.
3. All names and addresses of the members of the Board of Professional Medical Conduct, indicating also the profession of those who are not physicians.

Commissioner Robert P. Whalen, M.D.
State of New York Department of Health,
Albany, New York 12237, USA

-2- December 6, 1976

You can rest assured, Commissioner, that this case will not
be closed until justice is done.

Very truly yours,



Herbert L. Palm

Einschreibensendung/Envoi recommandé		Drucksache Imprimé	
Brief Lettre	<input type="checkbox"/>	Kästchen Boîte	<input type="checkbox"/>
Wertangabe/Valeur déclarée		Betrag/Montant	
Postanweisung Mandat de poste		Zahlkarte Mandat de versement	
Einlieferungsamt/Bureau de dépôt 6 Frankfurt/Main		Einlieferungstag/Date de dépôt 1. Dez. 1975	
Name oder Firma des Empfängers oder Postcheckkontoinhabers/Nom ou raison sociale du destinataire ou intitulé du CCP U.S. District Court, Southern District of New York			
Straße und Hausnummer/Rue et No U.S. Court House, Foley Square, New York, NY 10007, USA		Ort und Land/Localité et Pays	
Dieser Schein muß vom Empfänger oder von einer nach den Bestimmungen des Bestimmungslandes beauftragten Person oder, wenn diese Bestimmungen es zulassen, vom Beamten des Bestimmungsamtes unterschrieben und mit nächster Post unmittelbar an den Absender zurückgesandt werden.		Stempel des Bestimmungsamtes Timbre du bureau de destination	
Der vorerwähnte Betrag wurde vorschriftsmäßig/L'envoi mentionné ci-dessus a été dûment ausgezahlt/dem PSchKto gutgeschrieben payé/inscrit en CCP		<input type="checkbox"/>	
Tag/Date DEC 3 1975		Unterschrift des Empfängers Signature du destinataire	
Kiedlen Thomsen		Unterschrift des Bediensteten Signature de l'agent	

Der Absender wird gebeten, den stark umrandeten Teil selbst auszufüllen.

Einlieferungsschein

Bitte sorgfältig aufbewahren!

Sendungsart und besondere Versendungsform (Abkürzungen s. ums.)	Eilpost-Luftpost Rückschein	
Wertangabe oder Betrag	DM Pf (in Ziffern)	Nachnahme
Empfänger	U.S. District Court Southern District of New York U.S. Court House	
Bestimmungs-ort mit postamtl. Leitangaben	Foley Square New York, NY 10007, USA	

Postvermerk	
Einlieferungs-Nr.	Gewicht kg g
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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

HERBERT LEO PALM,
Plaintiff-Appellant

-v-

THE VETERANS ADMINISTRATION OF THE
UNITED STATES OF AMERICA and THE
UNITED STATES OF AMERICA,

Defendants-Appellees.

-----X
: MOTION FOR WITH-
: DRAWAL OF APPEAL
: WITHOUT PREJUDICE
: TO RENEWAL

: CIVIL APPEAL
: DOCKET No. 76-6032
:
:
:-----X

PLEASE TAKE NOTICE that the Plaintiff-Appellant hereby withdraws his Notice of Appeal and/or Appeal without prejudice to renewal, because Plaintiff-Appellant is pursuant to Rule 60 (b) of the Federal Rules of Civil Procedure going back to the United States District Court for the Southern District of New York with new evidence.

Dated: August 28, 1976

Respectfully submitted,

Mailing Address:

HERBERT LEO PALM
Niddastrasse 19a
7500 Karlsruhe 41
Germany

-Plaintiff-Appellant-

Herbert Leo Palm
Bahnpostlagernd
6000 Frankfurt/Main 11
Germany

September 6, 1977

AIR MAIL-INSURED PARCEL-RETURN RECEIPT REQUESTED

United States Court of Appeals
Second Circuit
Office of the Clerk
United States Court House
Foley Square
New York, NY 10007, USA

Re: Civil Appeal Docket No. Pro Se 76-6032;
Herbert Leo Palm v. Veterans Administration and
United States of America.

Gentlement

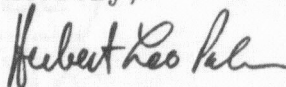
For immediate filing I am enclosing herewith:

- a) My Certificate of Service by Mail of Appellant's
Reply Brief with Appendix and Exhibits, dated September 6, 1977.
- b) Ten Sets of Appellant's Reply Brief with Appendix and Exhibits,
dated September 6, 1977, bound in gray manily folders.

Exhibits Pages 69 and 70 with the original true copy certificate
of U.S. Consul John C. Mallon are in the folger to which this
letter is attached.

Thank you very much.

Sincerely,



Herbert Leo Palm

Encls.

GOHRSMUHL

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

-----X
HERBERT LEO PALM,

Plaintiff-Appellant,

v.

THE VETERANS ADMINISTRATION OF
THE UNITED STATES OF AMERICA, and
THE UNITED STATES OF AMERICA ,

Defendants-Appellees.
-----X

: CERTIFICATE OF SERVICE
: BY MAIL

: CIVIL APPEAL

: Docket No. Pro Se
: 76-6032

THE APPELLANT, HERBERT LEO PALM, DEPOSES AND SAYS:

1. I am over 18 years of age and my mailing address for service is: Bahnpostlagernd, 6000 Frankfurt/Main 11, Germany.

2. On the 6th of September 1977 I served the within Appellant's Reply Brief with Appendix and Exhibits, in this action, in duplicate upon the UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK, attorney for the Appellees at United States Courthouse Annex, One St. Andrew's Plaza, New York, N.Y. 10007, U.S.A., the address designated by said attorney for that purpose, by depositing two true copies each of these papers in a postpaid properly addressed envelope, via registered air mail return receipt requested, in the main post office at 7000 Stuttgart 1, official depository under the exclusive care and custody of the government of the Federal Republic of Germany.

Dated: Frankfurt am Main, September 6, 1977

Herbert Leo Palm

Herbert Leo Palm

-Plaintiff-Appellant-Pro Se-